

**REMARKS**

Claims 1-20 are pending. Claims 5, 11 and 13 are amended, as discussed below.

Claim 4 is objected to as being dependent upon a rejected base claim, but is stated to be allowable if rewritten in independent form. As discussed below, Applicants respectfully submit that all claims are allowable over the cited art.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

**I. The Rejection of Claims 5 and 13-20 under 35 U.S.C. 112 (Indefiniteness)**

Claims 5 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

The Examiner states that in claim 5, the phrase "further comprises one or more waxes, polypeptides and carbohydrate polymers" is an improper Markush recitation, stating that open-set groupings should be listed in the alternative with "or", whereas closed sets should be recited with "and." As amended, claim 5 now employs a proper Markus recitation.

The Examiner states that claim 13 is indefinite because the claim recites "comprising one or more of the following steps", but then the claim uses "and" between steps (a), (b) and (c). Claim 13 has been amended to correct this error.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

**II. Claim Objections**

Claim 4 and 11 are objected to for various informalities, in particular, in claim 4, the term "in" should be "is"; in claim 11, the term "comprised" should be "comprises." These informalities have been corrected and reconsideration and withdrawal of the objection is respectfully requested.

**III. The Rejection of Claims 1-3, 5-10, 13-15 and 17-20 under 35 U.S.C. 102 (JP 11-197494)**

Claims 1-3, 5-10 and 17-20 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Mishima (JP 11-197494). This rejection is respectfully traversed.

Mishima does not disclose "a coated particle comprising a coating and a core particle comprising an active, wherein the coating comprises a gas phase component." Mishima only discloses using a gas in the preparation of a coating, and, in this regard, there is no disclosure that the resulting coating, as applied to a core particle, comprises a gas phase component. In particular, Mishima discloses using supercritical fluid, such as carbon dioxide, a subcritical fluid and a fluid obtained by adding an additional solvent and gas and using rapid expansion.

The Examiner references paragraph 20 of Mishima as teaching the incorporation of a gas phase material into a coating, however, paragraph 20 does not teach a coating material comprising a gas phase component. Rather, paragraph 20 discloses the use of a gas in the preparing the coating.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

**IV. The Rejection of Claims 1-3, 5-6, 8-11, 13-14, 16-17 and 19 under 35 U.S.C. 102 (WO 99/27063)**

Claims 1-3, 5-6, 8-11, 13-14, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by Thoen et al. (WO 99/27063). This rejection is respectfully traversed.

Thoen et al. does not disclose a coated particle comprising a coating and a core particle comprising an active, wherein the coating comprises a gas phase component." Thoen et al. disclose a multi-layered detergent tablet having an effervescent agent in the coating. An effervescent agent is a gas forming agent, it is not a gas phase. Furthermore, when the effervescent agent is activated, it disintegrates the coating, thus Thoen et al. does not disclose a coating that comprises a gas phase component. See the definition of "gas phase component" in the specification at page 7, lines 8-11. Plainly, Thoen et al. does not teach the claimed invention.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

**V. The Rejection of Claim 12 under 35 U.S.C. 103(a)**

Claim 12 are rejected under 35 U.S.C. 103(a) over Mishima in view of Selenke (US Pat. No. 4,022,917). This rejection is respectfully traversed.

As previously discussed, Mishima does not teach a coated particle comprising a coating and a core particle comprising an active, wherein the coating comprises a gas phase

component. With respect to claim 12, or any of the pending claims, Selenke does not motivate an artisan to modify Mishima to arrive at the claimed invention. Selenke discloses the use of a leavening agent, e.g., sodium bicarbonate; however such leavening agent is not in the coating. Rather, the leavening agent of Selenke is part of a core. See, e.g., the abstract of Selenke, clearly noting that the leavening agent is in the core material not the coating material.

Accordingly, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection.

#### VI. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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